

ORIGINAL HOUSE  
BILL NO. 0007

ENROLLED ACT NO. 3, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2010 BUDGET SESSION

AN ACT relating to elections; providing for post election audits of tabulating equipment; providing for withdrawal of voter registration without notarization; amending terminology; providing for retention of absentee ballots after acceptance; providing for verification of write-in candidates qualifications; providing timelines for initial renewal of a mill levy proposition; repealing requirement to indicate date a voter became a resident of the county; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 22-11-109 is created to read:

**22-11-109. Post election audit.**

The county clerk shall conduct a random audit of ballots by processing the preaudited group of test ballots as described in W.S. 22-11-104(b)(iii) on five percent (5%) of the automated tabulating equipment for that county, but on not less than one (1) machine, within thirty (30) days of any election in which the tabulating equipment was used.

**Section 2.** W.S. 22-3-103(a)(vii), 22-3-106, 22-5-213, 22-9-115, 22-11-104(b)(iii), 22-16-103(c) by creating a new paragraph (vi) and by renumbering paragraph (vi) as (vii) and 35-2-414(d) are amended to read:

**22-3-103. Furnishing of oath forms; contents thereof.**

(a) The county clerk shall furnish voter registration oath forms to registry agents which forms shall require the following voter information from the applicant:

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(vii) His political party affiliation, if any, ~~and~~  
~~and~~

**22-3-106. Request for voter registration withdrawal;  
form.**

If a voter registration applicant affirms that he is registered in another county or state, the registry agent shall require that the applicant ~~complete and sign a "Request for Voter Registration Withdrawal" form~~ make a written withdrawal of voter registration from another county or state on the Wyoming registration application. ~~The registry agent shall cause notice to be sent to the registry agent of the jurisdiction in which the applicant was last registered. The withdrawal form shall conform in substance to the following:~~

~~REQUEST  
FOR  
VOTER REGISTRATION WITHDRAWAL~~

~~I, ...., whose date of birth is .... and social security number is (optional) .... having now registered to vote in the County of ...., State of Wyoming, hereby request that my registration to vote in the County of ...., State of .... be withdrawn.~~

~~My previous address was:~~

~~..... Street~~

~~..... City~~

~~.....~~

~~Signature of requester~~

~~Subscribed and sworn to before me by .... this .... day of  
....., (year).~~

~~.....~~

~~Name of person receiving request~~

~~.....~~

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Title

**22-5-213. Entry in pollbook.**

The judges of election shall check or enter in the pollbook the name of each elector voting in the primary election and his party affiliation, if declared. An elector voting only a nonpartisan ballot shall be entered in the pollbook as ~~a nonpartisan~~ an unaffiliated voter.

**22-9-115. Receipt by clerk; handling procedure.**

(a) After an absentee ballot has been accepted by the clerk, it shall not be returned to the voter.

(b) The clerk shall place completed absentee ballot envelopes in a large precinct envelope for the precinct in which they shall be voted and keep custody of them until they are delivered to the precinct or the designated counting center. The clerk shall endorse on the precinct envelope the number of the district and precinct and the words "Envelope contains ballots of absentee qualified electors and shall be opened only on election day at the polls when the polls are open" and shall affix his signature, official title, and seal the envelope.

**22-11-104. Conduct of elections in which systems utilized.**

(b) The county clerk of each county using an electronic voting system shall:

(iii) Before testing an electronic voting system for an election, ~~mail a written notice to~~ notify the county chairman of each political party having a candidate on the ballot, stating the time and place of the test. The

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political party representatives and representatives of independent candidates may be present for the test, which shall be held at least two (2) weeks before the election. The test shall ascertain that the automatic tabulating equipment will accurately count the votes cast for all offices and all measures. The test shall be conducted by processing a preaudited group of paper ballots or ballot cards on which are recorded a predetermined number of valid votes for each candidate and on each measure and shall include for each office one (1) or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. During the test a different number of valid votes shall be assigned to each candidate for an office, and for and against each measure. If any error is detected, the cause of it shall be ascertained and corrected and an errorless count shall be secured and certified to by the county clerk. ~~The tabulating equipment shall pass the same test before and after the ballot count on an election day before the election returns are certified by the election judges.~~ On completion of the count, the programs, test materials and ballots shall be sealed and retained as provided for paper ballots;

**22-16-103. County canvass procedures.**

(c) The county canvassing board shall:

(vi) Review and certify successful write-in candidates after determination of the number of votes for candidates and verification of candidate qualification;

~~(vi)~~ (vii) Cause minutes of the meeting to be taken, signed by the canvassing board and filed with the county clerk.

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**35-2-414. Administration of finances; assessment and levy of tax.**

(d) If the proposition to authorize a mill levy is approved, the same proposition or a proposition to impose a mill levy in a different amount, not to exceed three (3) mills, shall be submitted to the voters, until defeated, at the second general election following the election at which the proposition was initially approved and at the general election held every four (4) years thereafter. If the proposition to impose or continue the tax is defeated, the proposition shall not again be submitted to the electors for at least twenty-three (23) months.

**Section 3.** W.S. 22-3-103(a)(viii) is repealed.

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**Section 4.** This act is effective July 1, 2010.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk